THE

NORFFS PRESIDENT

OF

PERSECUTION

(UNTO BANISHMENT)

Againſt ſome of the

Innocent People

CALL'D

QUAKERS,

FOR

Meeting in the Name and fear of the Lord.

OR, A

RELATION

OF THE

Proceedings of the Court at the Quarter Seſſions holden at the Caſtle in *Norwich* the 20 day of the 12. Moneth call'd *February*, 1665. where *Francis Cory* Recorder of the City of *Norwich* ſat for Judge with *John Crafts* Dean of *Norwich*, with other Juſtices of the peace (ſo call'd) upon *Henry Kittle* Jun. *Edmund Rack*, *Richard Cockerel*, and *Robert Elden*, call'd Quakers.

Printed in the Year 1666.

THE

NORFOLK'S PRESIDENT

OF

PERSECUTION

(ONE DAY SIMILARLY)

Against some of the

Innocent People

CALL'D

QUAKERS,

FOR

Meeting in the Name and fear of the Lord.

OR

RELATION

OF THE

Proceedings of the Court at the Quarter sessions holden at the Castle in Norwich the 20 day of the 12. Moneth call'd February, 1665, where Francis Cary Recorder of the City of Norwich sit for Judge with John Crafts Dean of Norwich, with other Justices of the peace (so call'd) upon Henry Kittle Jun. Edmund Rack, Richard Gockerel, and Robert Elden, call'd Quakers.

Printed in the Year 1660.

The Norfſa Preſident of Perſecution, &c.

FIrſt, the Priſoners preſented a Letter to the Grand Inqueſt (becauſe they underſtood they were to paſs upon them and not to hear them perſonally to make their defence) to ſtate the Innocency of their cauſe to them. Which was as followeth,

Friends;

We who are Priſoners in the Caſtle, who are (reproachfully) call'd Quakers, *underſtanding that you as the body of the County are to paſs upon us, either to be our Accuſers or Excuſers; and that our Cauſe muſt paſs through your hands without hearing of us perſonally to make our defence, We deſire to lay theſe few Conſiderations before you.*

Firſt, That the Seſſions lately paſt were ſufficiently known, and that our Proſecutors were here; and if they had any thing juſtly to have charg'd upon us they ought to have proceeded then.

Secondly, That we being Priſoners at Common Law (or a penal Statute) ought if any thing had been charged upon us to have been tried forthwith at the next general Seſſions and Goal delivery; and that by the ordinary Jury that ſerved upon other Priſoners; and not to have a particular Seſſions and Jury picked on purpoſe for us; but if nothing had been charged upon us, we ought to have enjoyed the benefit of the Goal delivery.

Thirdly, We have cauſe to believe that our Proſecutors have miſinformed the Court, thereby to procure an Adjournment, that ſo either they might bring ſome new evidence, or procure ſome other to joyne with them that ſo their evidence might appear more ſpecious.

Fourthly, We deſire you to take notice that the Records for the firſt and ſecond Convictions (ſo call'd) were not made in Parchment, and ſo no Records in Law. And thoſe Writings that were made were not made under Seal (as we remember) and ſo no evidence or conviction in Law: And if any other then ſuch ſhall be preſented to you we deſire you to require proof of them.

Fifthly, At the ſecond Conviction (ſo call'd) we conceive there were not a ſufficient number of perſons to bring us under the Act, although an exercife in Religion had been proved againſt us in other manner then is allowed by the Liturgy, or practice of the Church of *England*.

Sixthly, We desire you to consider the third Provizo in the Act; which saith, *that no persons shall be punished for any offence against this Act, unless such offenders be prosecuted for the same within three Moneths after the offence committed.* And there being above three Moneths passed since we were charged and committed as offenders, whether we be not to be discharged by the said Provizo in the Act: For it doth not say you shall be prosecuting such offenders within three Moneths but that such offenders shall be prosecuted within three Moneths, or else not to be punished for any offence against this Act.

Seventhly, We desire you carefully to examine such Witnesses as shall be brought in against us to prove what Religious Worship they see us in the exercise of? and whether it were contrary to what the Liturgy of the Church of *England* doth allow of: For the Law is not against meeting to worship God according to the Liturgy; (which saith) (See Communion upon the Feast of *Trinity* so call'd) *It is very meet, right, and our bounden duty that we should at all times and in all places perform duty to God.* But against such as (under pretence to meet to worship) contrive Insurrections as late experience had shewed. Which can never be proved against us.

These things we desire to lay before you, not with any desire or intent to divert you from justice and equity, but that you may in some measure understand the innocency of our Cause; and where the Law provides for our Acquital you might not be our accusers, but that justice and equity may run in its right chanel, and judgment and loving kindness and Righteousness may be exercised by you, in which the Lord doth delight, and so the Blessing of the Lord may be upon you: Which is the desire of us who seek the good of all Men,

Edmund Rack, *Henry Kittle* Junior.
Richard Cockerele. *Robert Elden*.

A Relation of the Proceedings of the Court, &c.

THe Court being set the Prisoners were call'd to the Bar. The *Clerk* read the Inditement, the substance of which was, That they at an unlawful Meeting under colour and pretence of exercise in Religion, contrary to the Liturgy of the Church of *England* with force and armes contrary to the peace of our Soveraign Lord the King, his Crown and Dignity, and against the Statute in that case made and provided.

Clerk.

Clerk. What ſay you, Guilty or not Guilty?

Priſoner. I deſire to be heard a few words.

Judge. *You muſt firſt plead.*

Priſ. I deſire to be heard; I ſtand here as a Priſoner, and not barely as a Priſoner, but as a free born *Engliſhman*, and conceive I have right to all the Privileges of the Law of *England* which have a tender care of the life of Man, and alſo their liberty. Now I conceive we have had very hard meaſure that we have been Priſoners almoſt four Moneths, and the Seſſions paſt over and we not call'd. I deſire to know what was the reaſon that the Seſſions paſt over and we not call'd as well as other Priſoners?

Judge. *You muſt plead.* *Priſ.* I deſire to know a piece of a Reaſon why we might not enjoy the benefit of the Goal delivery as other Priſoners did? Clerk. *The Court is not bound to give you a Reaſon* Judge. *You muſt plead* (the Queſtion is but ſhort) *Guilty or not Guilty?* *Priſ.* I deſire to know why we were not tryed the laſt Seſſions? Judge. *It is the ſame Seſſions, will you plead?*

Priſ. But I deſire ſome information about the Inditement that I may know what I am to plead to. What do you mean by the Liturgy of the Church of *England*, for I underſtand I am indited for an exerciſe not allowed by the Liturgy?

The Dean. *By the Liturgie is meant the Common Prayer Book with its Appurtenances.* *Priſ.* Doth not the Common Prayer allow of that which it layeth down as a duty? And which it ſeems to pray for?

The Dean. *The Common Prayer doth not allow People to Worſhip God but by it.* Judge. *You know the Penalty, will you plead or not?*

Priſ. I deſire to be heard for my Information.

Judge. *When you have pleaded you ſhall be heard.*

Priſ. Well then, I am content to plead: I am not guilty of this Inditement as it is laid down in matter and form.

Another Priſ. I am not guilty of the breach of any juſt Law.

A Juſtice to a Priſoner. *I believe you will not tell a lie will you?*

Priſ. I did not come hither for that purpoſe.

Juſtice. *Did you not wilfully meet in oppoſition to this Law?*

Priſ. I never met in oppoſition to the Law, neither I believe did I do any thing juſtly to bring me within compaſs of the Law.

Then the Juſtice ſat down and ſaid no more to the Priſoner.

Priſ. I deſire to have ſome words with *John Croſis* (who was the Dean) concerning the Liturgy what it allowes of?

Judge. *The Court cannot wait upon you.*

Pris. F. Cory didst thou not promise me that when I pleaded I should be heard? hast thou so soon forgot thy promise, is thy memory so shallow?

Judge. *Well, well, you are very saucy.*

* Ans. why not publiquely? Dean. *I would willingly have some conference with you but privately.* *

Pris. With all my heart. Another Prisoner said we have been here almost 16. weeks and none of you would come at us, and you could not choose but be sensible we were here.

Clerk. *You are to come upon your trial in the Afternoon, therefore prepare for your trial.* The Court adjourn'd till two of the Clock.

About four of the Clock the Court sat, and the Prisoners were call'd to the Bar, and the Jury call'd to be sworn.

Pris. Let the Jury come to the Bar that we may see them, and they see us. Clerk. *The Jury is well enough.*

Pris. But we cannot know them from the people, neither can they well hear us, they stand so throng'd among the people; let us have the privilege that Thieves and Murtherers have, to have the Jury come to the Bar, that God and Man may hear and see their Judgment, whether it be just and equal or not.

Judge. *You must not prescribe Rules to the Court.*

Clerk. *You are very bold.* (a)

The Jury was sworn, and the Clerk began to read the Inditement.

Pris. That is none of our (b) Inditement.

Clerk. *It is your Inditement.*

Pris. But it is not the same that we pleaded to in the Forenoon.

Judge. *How do you know that it is not the Inditement?*

Pris. I see it, and know it's not the same; (c) It's not the same Parchment, we are abused: Jurymen, take notice the Inditement is altered.

Judge. *It is your Inditement.*

Pris. Let it be proved, was ever the like seen that we should have our Inditement altered after we have Pleaded: Is this Law?

(a) We may see Innocency is bold in this Age also.

(b) What Justice could be expected from such as will change an Inditement against Prisoners?

(c) By these reasons it will appear 1. the colour of the Parchment the 1st. Inditement being a course Parchment with a flaw in the back, and the Writing much obliterated; & the 2. Inditement was a clear Parchment and a fair hand writing without obliterations or razings, and longer by 2. or 3. fingers breadth in our apprehension; 3ly. the day of th. Conviction was alter'd for the first Inditement, ran the 28 of *Feb* and the second was dated the 22. of *February*.

Judge.

Judge. Go one. So the Clerk read the Indictement.

Clerk. *Do you desire to have the Records read?*

Prif. Yes by all meanes, and proved. Part of the Records were read (and the Clerk said, there is enough read to serve your turns) and two Witnesses sworn. Judge to the Witness, *Did you see the Records sealed?* *Witness.* Yes. *Prif.* When? The Witness silent.

But the Clerk answered, the Court takes no (*d*) notice of that the Records are sealed now.

Prif. I desire the Court to ask the Witness when these Records were sealed.

Judge. *It is no matter if they were Sealed but yesterday.*

Then one of the Witness replyed, I saw Mr. *Kendle* seal them on Friday last.

(*d*) The Court takes no notice of that which makes for the benefit of the Prisoner, what manner of Councel will they be then for the Prisoner? for they will say sometime to Prisoners we are to be your Councel; as we know they should according to Law, if they could keep to the Law, and inform the Prisoner what makes for his benefit.

The Prisoner prest it upon the other Witness to know when he saw them sealed; but he would not speak at all to it. (*e*)

(*e*) But Witness should testifie the whole truth.

Clerk to the Jury, *You see we have proved the two first Convictions. Now to the Third.* *Prif.* They are not proved yet.

The Witness call'd and sworn to prove the third Conviction. Capt. *Morris Shelton* gave in evidence that he received a Letter from his Cozen *Wright* that there was an unlawful Assembly at *Edm. Rock's* of *Silverston.* And so he came according to his duty, and found about 14. Persons in the House, sitting together in a Melancholy posture, but neither saw them do any thing, nor heard them say any thing. (*f*).

(*f*) O sad, what a lamentable age we live in, that a Judge should pass sentence upon men to be banisht for 7. years out of their Native Land for neither saying any thing, nor doing any thing.

The other Witness said he was not within in the Room but looked in at the door, and saw them sit there, but neither heard them say any thing, nor see them do any thing.

Judge. *Wherefore came you thither? what was your intents?*

Prif. Ask the Witness, &c.

Judge. *Can they tell your intents?*

Prif. Ask them, try if they can't I may. Another Witness sworn, *Tho. Wright*, one of the (*g*) Justices

(*g*) Is this legal proceedings that one of the Justices that sat in the Court should be a Witness against the Prisoners? and does the Law intend this also? for shame let not these proceedings be fathered upon the Law of *England.*

(so

(so call'd) that sat in the Court, and gave in a paper call'd our Examination, which said we confest we * met in the name and fear of the Lord.

* And what is that all the Evidence you have against them to banish them 7 years out of their Native Land for being met in the Name and fear of the Lord? Is this become a crime in our *English* Nation? O horrable, it is too hear, and it even grieves us to think these things should be related; for shame let not these things be told in other Nations. And let there be warnings taken by the Judges and Justices not to persist any more, in bringing the guilt of thus sadly oppressing the Innocent upon them, and our *English* Nation; for by such unjust proceedings will it be brought into more misery, dishonour, and a reproach among other Nations.

Pris. That is none of my Examination.

Judge. *The Justice have sworn it, that's enough.*

Pris. Then he have done me the more wrong, for I never yielded to an Examination, but always sent them to the Witnesses: And if any other said so, it ought not to be put upon my head. (If that be a Crime) Is *Rob. Redingtons* hand to it? *Clerk.* Yes.

Pris. Then they have done me the more wrong. Judge to the Jury, *You see the whole matter of the Inditement is proved.* Judge to the Prisoners, *What can you say for your selves?* Prisoner *to the Jurymen.*

I stand here indited for a threefold Crime; first as being twice Convicted for being at an unlawful Assembly at times mentioned in the Inditement; and then after such Convictions being at a third unlawful Assembly mentioned in the Inditement. Now I would desire you seriously to consider the business; and first of the first, the matter charged against me was upon the 31. of *Jan.* which is more then a year ago, the evidence is the Record, now one of the Witness have sworn positively that he saw the Record sealed last Friday, (as he calls it) now if I had committed an offence a year ago, yet I was not Convicted in Law till last Friday: look upon the Act, *Which Records so made shall be a Conviction in Law.* So as I could not in Law be guilty of a first offence till convicted and not convicted till the Records were sealed, for the Records are the Conviction, and no Conviction till sealed: For the Words of the Act are, *to make a Record of such an offence under their hands and seals.* And I am not indited here for being at an unlawful Assembly but for being convicted for being at an unlawful Assembly. Now Jurymen take notice that the matter charged in the Inditement differ from the proof more then a whole year; A gross mistake, is it possible that men should so grosly mistake as to charge us with an offence, and fail in their proof more then a whole year, so as I cannot possibly in Law be found guilty of

of this firſt offence by this evidence if you regard either Law, Equity, or Conſcience.

Now as to the ſecond offence I need not ſay much; I cannot commit a ſecond offence till I be convicted of a firſt, which according to the evidence was not till Friday laſt: Now we having been in Priſon almoſt four Moneths, how could I poſſibly commit a ſecond or third offence when convicted but laſt Friday (ſo call'd) for a firſt, conſider it Jurymen. The Words of the Statute being *that if ſuch Offender ſo convicted as aforeſaid ſhall at any time again commit the like offence.* So as it is plain to every man that will but uſe a grain of underſtanding, that we cannot be guilty of a ſecond offence till convicted of a firſt. Thus you ſee plainly Jurymen this firſt part of the Inditement daſht, it is gone, yea it is quite blown away in Law. But now leaſt you ſhould ſtumble at the third, upon which the Court ſeems to lay the greateſt ſtreſs, becauſe there is Witneſs (*Viva voce*) which ſeems to teſtifie ſomething. I ſhall ſpeak ſomething as to that, and to this end I deſire you to conſider the Act, and firſt of the Title, *An Act to prevent Seditious Conventicles.* Here you ſee the Act is not to prevent all Meetings but Seditious Meetings, now what Sedition is, I leave it to the Court to define, to whom it doth belong. There might be ſomething ſpoken to the Preamble, but I paſs by that and come to the Act. *Be it enacted that if any perſon being a Subject of this Realm ſhall be preſent at any Aſſembly, Conventicle, or Meeting, &c.* Here you ſee Jurymen to whom the Act extends, it is to every one indefinately, as well one as another, if they be Subjects of the Realm; yea it reacheth from the Prince that ſiteth next to the Throne to the Beggar that ſeteth upon the Moulehill. I ſpeak this to take off that brainleſs opinion that have poſſeſſed the heads of Thouſands that there is an Act made againſt the Sectaries, or ſuch like, whereas the Law reacheth to all alike, if they do any thing that comes under it; yea, you your ſelves or the Court are as much concerned in the Act as we, if you do any thing that comes under it.. Now it is to be conſidered what a man muſt or may do to bring him under the Act, for this look upon the Statute, *Be it enacted, &c. that if any perſon, &c. ſhall be preſent at any Aſſembly, &c. under colour or pretence of any Exerciſe of Religion in other manner then is allowed by the Liturgie, &c.* Here Jurymen you may ſee the Fact that can be a Tranſgreſſion of the Law which is to be preſent at a Meeting under a pretence of ſome Exerciſe in Religion, in other manner then is allowed by the Liturgy, &c.

Now Jury you ſee the Streſs of the Matter lyeth here, in the Exerciſe. *

* Here the Court stood up as in an uproare, calling to the Jury to go forth, As appearing, 'oath the Prisoners Rational Plea should take place in them.

The Act is not against Meetings barely as Meetings, for that would be a *Rediculum Caput*, that men could not be together but they must be Transgressors, for you your selves which pass upon us to day, If you have an envious Neighbour or great Man that can but spie out six or a douzen of you together, may come your selves upon trial for your Liberty: if being together barely be a Transgression; but it is plain by the Letter of the Law that it is the Exercise, or pretence of Exercise, that is the Transgression; so as if there be no particular Exercise proved against us, (as here is not) ye ought not to find us guilty for, for it is a common Maxime among Law men, that *Generals in Law signifie nothing*, but it must be the particular matter. As if a man were indited for Treason, if the Witness come to prove Treason in general, and cannot prove the particular matter, be it words or otherwise; what Jury could possible be so mad as to find this man guilty? And so likewise of Felony, and shall not we have as much benefit as Traytors and Fellons, and Murtherers? *

* The Court hindered the Prisoner from pleading further, by the ordering the Jury to go forth.

Judge to the Jury, *You see the whole Matter of the Inditement is proved, they have confest it upon Examination, and I have ask them several times what he must they have there? and they will not answer; the Law intends they are guilty in asmuch as they were found together, and will not give a reason wherefore they were met.* So they prest upon the Jury to go forth. The Foreman of the Jury call'd for the Examination and looked upon it, and return'd it to the Court again.

Pris. Jurymen hear me, I have a great deal more to offer; what will you not hear me, I have something to offer concerning the Examination was there ever such a Jury as will not hear me; Hear the other Prisoners what they have to say in their defence, they have not spoken yet.

The other Prisoners, Hear us, what will you go upon us and not hear us speak? *Pris.* Well if you will not hear us, the Lord judge between you and us; and remember the eye of the Lord is upon you, and seeth the intent of your hearts, and if you pass upon us this and condemn us, the Lord God will assuredly require it at your hands.

The Jurymen went forth, and in a little time returned.

Clerk. *Are you all agreed of your Verdict?*

Jury. All but one Man.

Judge. *Why do not he agree?*

Jury.

Jury. He desires to give his Reasons to the Court.

Judge. *No, no, you must all agree.*

Judge. *Swear them another Bailiffe, and let them be shut up, and have neither meat, drink, fire nor Candle till they be agreed.*

Some in the Court said to the Prisoners (when the Jury was gone out) why did you not answer wherefore you were met, he have askt you several times, and you will not answer?

Pris. I was not aware of his Asking me so often, if I had I should have given him an answer; I can give him an Answer yet if he will hear me.

Judge. *Well, what is it?*

Pris. We are Christian men, and the Lord hath begotten us into one life, and we love one another, and desire often to be together, that all Men may know and see that we love one another.

The Jury went forth again, and soon after the Court sent after them to hasten them to agree; and shortly the Jury return'd again and brought them in all Guilty.

Pris. What of the whole Inditement?

Clerk. *Yes, yes, of the whole.*

The Prisoners were return'd to Prison again, and about half an hour after were commanded again to the Bar.

Pris. All Honour and Glory be given to the Lord.

Judge beginning a long Oration of the Mercyfulness of the Law.

Pris. The Law of God is a Mercyful Law.

(It was in another Prisoners heart to say) but the Executioners of the Law are very unmercyful.

And when the Prisoners perceived the Judge crept in to sentence, one cried, hold, hold, I have something to offer before Sentence be past, as to arrest of Judgment, but the Judge went on. Then the Prisoners cried again, hold, hold, if you will not hear me, take my Exceptions and read them, and so held his Paper forth; but the Judge went on and passed Sentence, *that they should be carried from this place to* Yarmouth, *and from thence to be Transported to the* Barbados *for seven years.* Then one of the Prisoners said, But where shall the Lyer and the Drunkard go? And when he had passed Sentence askt a Prisoner, saying, *Come what have you now to proffer.*

Pris. I had something to offer before Sentence was past, as to arrest in Judgment, but thou wents on and would not hear.

Judge. *Now it is too late, Judgment is past.*

Pris. I call'd before, and offered my Exceptions, but thou wouldst not hear.

Judge. *Let us hear what they are?*

Pris. First, that the two first Offences were not Recorded under the Hands and Seals of the two Justices of Peace before the 29th. of *October* last, the time mentioned in the Inditement for the third offence, but since this present Sessions, namely upon Friday last, so that the persons concerned did not stand convicted of the two first offences urged against them at the time limited for the last offence.

Secondly, That the Inditement upon which they went was not the same to which the Prisoners did plead.

Thirdly, That the Prisoners ought not to be punished for any offence against the late Act because above three Moneths are passed.

Judge. *But you were committed presently in order to your Prosecution.*

Prisoner. But we were to have been Prosecuted, and not Prosecuting.

Clerk. *Your Commitment was your Prosecution.*

Pris. That could not be by the Judges own words, for he said, we were committed in order to Prosecution; and if in order to Prosecution then it could not be the Prosecution its self.

A POSTSCRIPT.

As to the Courts proceedings against the Prisoners, The unreasonableness and unjustness ther of, is so apparent and will so plainly appear to every indifferent and impartial Reader, that little need be paraphrased upon it to manifest that spirit of envy and persecution which thus rigorously, and cruelly shewed it self against innocent Persons; even to banish or separate them from their Native Countries and Relations. We never yet knew any Law extant or in being, that Men should be reckoned such deep Offenders, for meeting together in a Christian spirit; singly and spiritually to wait upon and worship God; as the intent of our Meeting is.

And where the evidence was, that they were neither saying, nor doing any thing; and yet for this, thus severely to be sentenced by the

Judge,

Judge, whose prejudice and enmity against divers of our Friends in Norwich, in persecuting of them has so much appeared, that little better then what he has done against the Prisoners could be expected; nor yet from the Deane who is so deeply concerned with his Brethren of the Clergie, who make use of the Magistrates as their servants, to terrifie and compell People to come under their worship and Ceremonies, and to worship by their Liturgie; but many are gathered out from them by the Power of the Lord God; and come to worship and serve him in the newness of the spirit, and the spirit of Prayer and Supplication being poured forth, wherein the People of God pray to him, and which Spirit sometime intercedes with sighes and groans which cannot be uttered, so this is not to be limited to an imposed form of prayer, nor to Mens wills; who in Anti-Christs spirit go about to hinder and limit the spirit of truth, and to keep the Creature from the freedome of it, as the Deane in his asserting that the Common Prayer does not allow People to worship but by it; which is a very strange and unreasonable doctrine, and appeares both contrary to the Common-Prayer-Book, and the Priests practise; for the Common Prayer-Book, or allowance of the Liturgie extends further then the Bishops and Deans allowance, for that it allows of the Scriptures, and that they are written for our Learning, (and so are to be practised and fulfilled by us) and of the Worship of God, at all times, and in all places; and therefore they had need to consider their Liturgie a little better, and peruse the several Collects and Epistles in it, and see how the Scriptures is both allowed of, and made use of therein, and consequently how that way and Worship which the Scriptures own (which was before the Liturgie was) is allowed of by the Liturgie, which how the Deans Assertion and the Liturgie herein should hang together, does not appear whiles he would make the Common-Prayer allow of no Worship but by it self; which also does contradict and disallow of his own Generation the Priests when they use a long Prayer before Sermon, which is not expresst in the Common Prayer-Book; and besides divers particular occasions

of Praying to God many times do and have fallen out, which are not mentioned in the Common-Prayer; as also it doth not follow that the Common-Prayer disallowes of all manner of worshiping that is not by it self because not in its own expresse form, for diverse sorts of things where no prohibition is, does not disallow one of another, because they are divers in the manner and form of them.

Much might be said in this particular to shew the absurdity and ignorance of the Dean's Assertion, but whiles we know the leadings of the Spirit of Truth, and the Worship of God therein for which many of us at this day suffer; We must not be tyed to their allowance in Worship, who by their wayes and proceedings against the Innocent have as much as in them lies, opposed, limited and withstood the Spirit and Truth of God; which will outlive all their enmity and cruelty against the Righteous.

Here followeth a Letter sent to the Judges of the Assizes holden at *Thetford*, from the Prisoners aforesaid, to spread before them the illegal Proceedings against them; so that Ignorance of Injustice cannot be pleaded.

To the Judges of the Assizes,

These in humility present,

WEE whose Names are here under written, who lay under a sentance of transportation; finding our selves grieved by the proseedings of the Sessions holden at the Castle in *Norwich*, which we think were not reasonable nor Legall. And not knowing the Law how wee may be releived; yet, thinking the Law have not left us without relief in case there be error in judgment, desire in humility to spread these our grievances before you, who are judges of the Law, and know the Law, and are sent as wee think, by the King, as well to relieve his subjects that are oppressed, as to minister judgment.

First, That we were indicted in the first part of the inditement for being convicted upon the 30. or 31. of *January* so called, in the sixteenth year of the King, which was almost half a year before the Act came in force, this wee think a mistake and error in Law. But wee were forced to plead and could not make our exceptions to this and many other errours.

Secondly, That wee pleaded to an inditement in the forenoone; and in the afternoone had an other inditement brought forth against us to which wee had not pleaded, and were forced upon Tryall by it, although wee made our exceptions against it.

Thirdly, That wee have great cause to suspect that the Jury, or most part of them, were not indifferent persons but men pickd on purpose.

Fourthly, That the Jury was commanded from the Bar before wee had made our defence; and we were hindred from our just (though plain) plea: And some of us not suffered to speak at all in our defence.

Fifthly, That the Records produced to prove the first and second convictions (so cal'd) were not made by the Justices of Peace, but by the Clark of the Peace or some other, by the procurement of *Thomas Wright* our prosecutour; and sent to the Justices to seal but a week before the Sessions.

Sixthly, That *Thomas Wright* was both our Accuser, Witness against us, and one of the Judges upon the Bench, and also helpt the Clark.

Clerk to translate the reading of our inditement, which we think unreasonable, if not Illegall

Seventhly, Wee believe the Act doth intend our relief by the third proviso in regard wee were not prosecuted within three moneths.

These things we desired to lay before you in short as part of our grievances, but if the Law do allow us to come before you as we are desirous to doe, if you please to grant an *Habeas Corpus* for that purpose wee hope to clear the matter more fully, or if the Law doe allow us any relief; we desire the Benefit of it: but if not, then we quietly yield our bodies to the execution of the sentence, and return (as prisoners of hope) to the rock of our Salvation; where the Lord hath planted us, there to repose our selves, until the Lord arise and plead our cause, and bring forth our innocency in brightness; and our Righteousness as the light that goeth forth.

From Norwich *Castle*
the 28th *of the* 12th *month* 1665.

Edm. Rack,
Henry Kittlesmior.
Robert Elden.
Richard Cockerel.

THE END.